IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.163 OF 2007
WITH
CIVIL REVISION APPLICATION NO.160 OF 2007

Shri Laxman Vithoba Wadekar ...Applicant

Versus

Shri Purshottam Shripad Joshi
since deceased through his legal
heirs and legal representatives
Pralhad Purshottam Joshi & Ors. ...Respondents

Shri S.M.Gorwadkar for the Applicant i/by Umesh Mankapure for the Applicant in both the Applications.
Shri S.M.Oak for the Respondents in both the Applications.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 21, 2007.

P.C.:

1. The learned counsel appearing for the revision Applicant on instructions of the revision Applicant who is personally present in the Court states that the revision Applicant is not pressing the revision Applications on merits. He, however, submits that longer time to vacate the suit premises may be granted. He states that for last several years the revision Applicant is carrying on business in the suit premises which is situated in the close vicinity of Vithoba temple at Pandharpur. He states that it will take some time for him to acquire another accommodation as it is very difficult to acquire accommodation in the area in

which the suit premises are situated. He submits that time of three years to vacate the suit premises be granted and the revision Applicant is ready and willing to give undertaking to vacate the suit premises.

2. The learned counsel for the Respondent opposes the prayer for grant of time. He pointed out that the Respondent was to start his own business as he is surviving on meagre income by working as a pigmy agent in a bank.

3. The revision Applicant has made a statement that he is not pressing the revision Applications on merits. Therefore, the decree for possession passed by the Appellate Court will attain finality. If these revision Applications remain pending in this Court for final disposal, considering the present position of pendency of cases, it is obvious that the same will not reach the final hearing for few years. The Applicant is carrying on business for a considerably long time in a very good locality. Considering the facts and circumstances of the case, time to vacate the suit premises deserves to be granted till 31st December, 2009.

4. Hence, revision Applications are dismissed as withdrawn. Notwithstanding the dismissal of the

revision Applications, the decree for possession shall not be executed till 31st December, 2009 subject to the Applicant filing usual undertaking in this Court to vacate the suit premises. The undertaking shall be filed within a period of four weeks from today with an advance copy to the Advocate for the Respondent.

5. If undertaking is not filed within stipulated time of four weeks, the decree for possession will become executable and the Respondent will be free to execute the decree.

6. Parties and the concerned Court to act upon an authenticated copy of this order.

JUDGE